

STATE OF CONNECTICUT
BOARD OF EXAMINERS FOR NURSING

Department of Public Health

Petition No. 2003-1030-011-040

vs.

Wendy Olds, LPN, Lic. No. 026832
Respondent

MEMORANDUM OF DECISION

Procedural Background

The Board of Examiners for Nursing (hereinafter “the Board”) was presented by the Department of Public Health (hereinafter “the Department”) with a Statement of Charges dated October 7, 2004. Dept. Exh. 1. The Statement of Charges alleged violations of certain provisions of Chapter 378 of the General Statutes of Connecticut by Wendy Olds (hereinafter “respondent”) which would subject respondent’s licensed practical nurse license to disciplinary action pursuant to *Conn. Gen. Stat.* §§ 19a-17 and 20-99(b).

The Board issued a Notice of Hearing dated October 12, 2004, scheduling a hearing for February 16, 2005. Dept. Exh. 1.

Respondent was provided notice of the hearing and charges against her. The Notice of Hearing and Statement of Charges were delivered by certified mail to respondent. Dept. Exh. 1.

The hearing took place on February 16, 2005, at the Hartford Hospital-Newington Campus, Curtis Building Amphitheater, 181 Patricia M. Genova Drive, Newington, Connecticut.

Respondent was not present during the hearing and was not represented by counsel. Tr. p. 2.

Respondent did not submit an Answer to the Statement of Charges. During the hearing on February 16, 2005, the Department moved to have the allegations deemed admitted. The Board granted the motion. Tr. pp. 3-8.

Each member of the Board involved in this decision attests that he/she was present at the hearing or has reviewed the record, and that this decision is based entirely on the record, the law, and the Board’s specialized professional knowledge in evaluating the evidence.

Findings of Fact

Based on the testimony given and the exhibits offered into evidence, the Board makes the following Findings of Fact:

1. Wendy Olds, L.P.N. of Middletown, Connecticut is, and has been at all times referenced in this Statement of Charges, the holder of Connecticut licensed practical nurse license number 026832. Dept. Exh. 2.

2. At all relevant times, respondent was employed as a license practical nurse at Riverside Health and Rehabilitation Center (“Riverside”), East Hartford, Connecticut. Dept. Exh. 3.
3. During October 2003, while working as a licensed practical nurse at Riverside, respondent:
 - a. failed to completely, properly and/or accurately administer medications; and/or,
 - b. failed to completely, properly and/or accurately document her administration of medications. Dept. Exh. 3.

Conclusions of Law and Discussion

In consideration of the above Findings of Fact, the following conclusions are rendered:

Wendy Olds held a valid licensed practical nurse license in the State of Connecticut at all times referenced in the Statement of Charges.

The Notice of Hearing and Statement of Charges provided sufficient legal notice as mandated by *Conn. Gen. Stat.* §§4-177(a) and (b), and 4-182(c). The hearing was held in accordance with *Conn. Gen. Stat.* Chapters 54 and 368a as well as §§19a-9-1 through 19a-9-29 of the Regulations of Connecticut State Agencies.

The Notice of Hearing, Statement of Charges, and the hearing process provided respondent with the opportunity to demonstrate compliance with all lawful requirements for the retention of her license as required by *Conn. Gen. Stat.* § 4-182(c).

The Department bears the burden of proof by a preponderance of the evidence in this matter.

PARAGRAPH 2 of the Statement of Charges alleges that at all relevant times, respondent was employed as a licensed practical nurse at Riverside.

PARAGRAPH 3 of the Statement of Charges alleges that during October 2003, while working as a licensed practical nurse at Riverside, respondent:

- a. failed to completely, properly, and/or accurately administer medications; and/or.
- b. failed to completely, properly, and/or accurately document her administration of medications.

Respondent did not submit an Answer to the Statement of Charges. Pursuant to § 19a-9-20 of the Regulations of Connecticut State Agencies the Board deems the allegations in the Statement of Charges to be admitted. In addition, there is sufficient, credible evidence in the record to prove these charges by a preponderance of the evidence. Dept. Exhs. 2 and 3.

The General Statutes of Connecticut §20-99 provides in relevant part:

(a) The Board of Examiners for Nursing shall have jurisdiction to hear all charges of conduct which fails to conform to the accepted standards of the nursing profession brought against persons licensed to practice nursing. After holding a hearing . . . said board, if it finds such person to be guilty, may revoke or suspend his or her license or take any of the actions set forth in section 19a-17. . . .

(b) Conduct which fails to conform to the accepted standards of the nursing profession includes, but is not limited to, the following . . . (2) illegal conduct, incompetence or negligence in carrying out usual nursing functions . . . (5) abuse or excessive use of drugs, including alcohol, narcotics or chemicals . . .

Based on its findings, the Board concludes that respondent's conduct as alleged in Paragraphs 2 through, and including, 3 of the Statement of Charges is proven by a preponderance of the evidence presented. The Board further concludes that said conduct constitutes grounds for disciplinary action pursuant to *Conn. Gen. Stat.* §§20-99(b) and 19a-17.

Order


Pursuant to its authority under *Conn. Gen. Stat.* §§ 19a-17 and 20-99, the Board of Examiners for Nursing hereby orders the following:

That for Paragraphs 2 through, and including, 3 of the Statement of Charges, respondent's licensed practical nurse license number 026832, is revoked effective the date this Memorandum of Decision is signed by the Board.

The Board of Examiners for Nursing hereby informs respondent, Wendy Olds, and the Department of Public Health of the State of Connecticut of this decision.

Dated at Newington, Connecticut this 4th day of May 2005.

BOARD OF EXAMINERS FOR NURSING

By  _____

CERTIFICATION

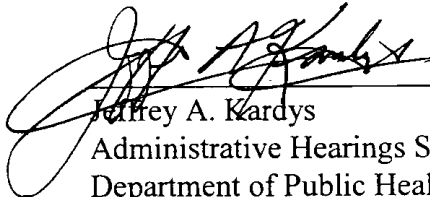
I hereby certify that, pursuant to Connecticut General Statutes §4-180(c), a copy of the foregoing Memorandum of Decision was sent this 5th day of May 2005, by certified mail, return receipt requested, and first class mail to:

Wendy Olds
41 Grove Street
Ilion, NY 13357

Certified Mail RRR # 70041160000088336087

and by Inter-Departmental Mail to:

Stanley K. Peck, Director
Legal Office
Department of Public Health
410 Capitol Avenue, MS #12LEG
Hartford, CT 06134-0308



Jeffrey A. Kardys
Administrative Hearings Specialist/Board Liaison
Department of Public Health
Public Health Hearing Office